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VIA ECF

November 27, 2023

The requested adjournment of the initial pretrial  
conference pending resolution of the motion to  
dismiss is GRANTED. **SO ORDERED.**

Dated: November 28, 2023  
New York, New York

  
**JENNIFER L. ROCHON**  
United States District Judge

Re: *Zest Anchors, LLC V. Biomet 3i, LLC*, Case No. 1:23-cv-07232-JLR

The Honorable Jennifer L. Rochon  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Dear Honorable Judge Rochon:

We write jointly on behalf of all parties to the above-referenced matter. Pursuant to Local Civil Rule 7.1(d) and Paragraphs 1(A) and 1(F) of Your Honor's Individual Rules of Practice in Civil Cases, the parties respectfully request that the Court grant Plaintiff and Defendant an adjournment of the Initial Pretrial Conference (ECF No. 4). The Initial Pretrial Conference is currently scheduled for December 12, 2023 (ECF No. 28). The parties request an adjournment and extension to a date convenient to the Court to be determined following the Court's ruling on Defendant's pending Motion to Dismiss the Amended Complaint (ECF No. 23). This is the parties' second request for an adjournment or extension of time. The parties' first Letter Motion for Extension of Time was granted by this Court on September 27, 2023 (ECF No. 28).

The parties believe an adjournment of the Initial Pretrial Conference is warranted in light of Defendant's pending Motion to Dismiss. The parties do not wish to burden the Court, or each other, with proceedings and pre-conference submissions, as the determination of the Motion to Dismiss may obviate the need for burdensome discovery. *See Johnson v. New York Univ. Sch. of Educ.*, 205 F.R.D. 433, 434 (S.D.N.Y. 2002) (granting request for a stay of discovery pending resolution of the motion to dismiss "because the adjudication of the pending motion to dismiss may obviate the need for burdensome discovery"). Accordingly, the most efficient way to proceed is to adjourn the Initial Pretrial Conference and stay discovery pending resolution of the Motion to Dismiss. The parties further state that it is in the interest of judicial economy to wait until the pending Motion to Dismiss is resolved before proceeding with any further pre-trial conferences or pre-conference submissions.

November 27, 2023

The Honorable Jennifer L. Rochon

The parties thank the Court for its consideration of this request.

Respectfully submitted,

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**November 27, 2023**

The Honorable Jennifer L. Rochon

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cc: All counsel of record (*by ECF*)